IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO.5816 OF 2007

Shri Kashinath R. Kolwankar : Petitioner
(Orig.Defendant)

V/s.

Smt.Sunanda W/o. Ramakant Desai & Ors. : Respondents
(Orig. Plaintiffs)

...

Mr.P.S.Dani with Ms Kiran Jain i/b. M/s.Kiran Jain & Co., for the petitioner.

Mr.Gajanan R. Desai, respondent no.2 present in person.

...

CORAM : S.A.BOBDE, J.

DATE : AUGUST 16, 2007.

P.C.

1. Rule, returnable forthwith.

Heard by consent.

2. After hearing the matter for sometime, it seems appropriate, in the interest of justice, to pass the following order:-

O R D E R

(i) The petitioner shall allowed to take photographs of original documents filed by the respondents at exh.‘C’ colly. in R.A.E. & R. Suit No.46/83 of 1992. This request is being allowed because earlier, the same request had been allowed. However, then the documents on record were not the original documents. Now the original documents have been filed. There is no reason why the Handwriting Expert should not be allowed to photograph the original documents for the purpose of their examination and report, particularly when certain signatures are in dispute.

(ii) Needless to say that the trial Court will decide the question of genuineness of the signatures after carefully considering the relevant provisions of the Evidence Act.

(iii) The rule is disposed of accordingly.

S.A. BOBDE, J.